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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 Kyle Gotshalk, et al.,
12 Plaintiffs
13 v.
14 Peter Hellwig, et al.,
15 Defendants
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Case No.: 2:13-cv-448-JAD-NJK

**Order Denying Without Prejudice
Plaintiff's Application for Default
Judgment [Doc. 15]**

17 Pending before the Court is Plaintiff's Application for Default Judgment Against
18 Defendant Stakool, Inc. [Doc. 15], currently scheduled for a prove-up hearing on Friday,
19 March 21, 2014. The Application made arguments for why Plaintiffs should be awarded
20 declaratory relief, injunctive relief, and attorney fees. Doc. 15 at 9-11. Plaintiffs' request for
21 relief included the following:

- 22 1. to grant their []Application for Default Judgment;
23 2. to render judgment in their favor of Plaintiffs and against defendant,
24 3. to enforce the declaratory []relief requested herein as shown above;
25 4. to award attorney fees and costs; and
26 5. to award Plaintiffs all such other and further relief to which he may be
entitled at law or in equity.


27 *Id.* (All spelling and punctuation in original). On March 19, 2014, two days before the
28 prove-up hearing, Plaintiffs filed an "errata." Doc. 46. The "errata" retains each of the five
original requests for relief and adds one additional request "to award Plaintiffs money
damages for their losses." Doc. 46 at 4.

1 Plaintiffs' original motion failed to include any argument for why awarding "money
 2 damages" was appropriate, and no additional information or argument substantiating this
 3 request has been offered. In light of this significant change in the scope of Plaintiffs'
 4 Application, the Court determines that Plaintiffs' original Application should be denied
 5 without prejudice, with leave to file a complete application no later than ten days after this
 6 order to specifically and comprehensively argue for, and articulate, all relief requested
 7 against Stakool. Given the protracted history of this motion,¹ any further errata or request for
 8 extension of this deadline will be looked upon with considerable disfavor.

9 Accordingly,

10 **IT IS HEREBY ORDERED** that Plaintiffs' Application for Default Judgment [Doc.
 11 15] is **DENIED WITHOUT PREJUDICE**, subject to re-filing no later than ten days after
 12 the issuance of this order. The hearing scheduled for March 21, 2014 is hereby **VACATED**.

13 DATED: March 19, 2014.

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 15 JENNIFER A. DORSEY
 16 UNITED STATES DISTRICT JUDGE
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23 ¹ Plaintiffs originally moved to expedite consideration of the motion on August 2, 2013, Doc. 20, which
 24 the Court granted and set for oral argument on October 21, 2013. Doc. 28. The next day, Plaintiffs moved for
 25 expedited consideration of a request to continue the hearing to effect settlement in the case, Doc. 30, which was
 26 granted, with the hearing re-set for November 25, 2013. Doc. 31. Five days before this re-scheduled hearing,
 27 Plaintiffs moved once more to continue the hearing, Doc. 34, which the Court again granted, re-setting the hearing
 28 for January 27, 2014. Doc. 35. Then, on January 21, 2014, Plaintiffs moved for expedited consideration of a
 third request for continuance, Doc. 36, which the Court granted in part, re-setting the hearing for March 21, 2014.
 Doc. 37. Plaintiffs' counsel then moved for expedited consideration of a request to withdraw as counsel of record
 in this action, citing a "breakdown in communication with the client." Doc. 38. As a withdraw would have left
 a corporate plaintiff without representation which almost certainly would have required a continuance of the
 March 21, 2014 prove-up hearing, the motion to withdraw as counsel was set for a hearing on March 11, 2014.
 However, on March 11, 2014, Plaintiffs' counsel moved for expedited consideration of a new request to withdraw
 the motion to withdraw as counsel, stating that "Counsel has reconciled with clients regarding continuing
 representation." Doc. 43.